



United States
Department of
Agriculture

Food and
Consumer
Service

Mountain
Plains
Region

1244 Speer Boulevard
Denver, CO
80204-2581

Reply to SP-01-12
Attn of: CACFP-650
SFSP-430

JUN 18 2009

Subject: Departmental Regulation Certification Requirements for the Child Nutrition Programs

To: STATE AGENCY DIRECTORS - Colorado ED, Colorado DPHE,
(Child Nutrition Programs) Iowa, Kansas, Missouri ED,
Missouri DH, Montana OPI,
Montana DPHHS, Nebraska,
North Dakota, South Dakota,
Utah and Wyoming

Though there have been no recent changes in the Departmental regulation certification requirements for the Child Nutrition Programs (CNP), we are providing the attached chart for reference purposes. The chart depicts the drug-free workplace, debarment/suspension and lobbying certification requirements for CNP specified by Departmental regulations 7 CFR Parts 3017 and 3018.

Please note that for Food and Nutrition Service (FNS) Programs, as indicated on the chart, the debarment/suspension certification is not required for a primary grantee or subgrantee of a statutory entitlement or mandatory award. For example, the certification would not be required for subgrant agreements between a State agency and school food authority, Child and Adult Care Food Program institution or Summer Food Service Program sponsor. However, certifications must be obtained for procurement contracts, as applicable, based on the amount of the contract.

Hopefully, the chart will facilitate identifying the distinctions in the requirements for grant agreements, subgrant agreements and procurement contracts. When utilizing this chart, please bear in mind that the information was current on the date of distribution. Future changes to these Departmental regulations may result in different certification requirements.

Departmental Regulation Certification Requirements Child Nutrition Programs

yes = required no = not required	<u>Drug-Free Workplace</u> 7 CFR Part 3017, Subpart F	<u>Debarment/ Suspension</u> 7 CFR Part 3017, Subparts A-E	<u>Lobbying</u> 7 CFR Part 3018
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GRANT AGREEMENTS

FNS→Primary Grantee

• FNS→State Agency (SA)	yes ¹	no	≤\$100,000 - no >\$100,000 - yes
• FNS→SFA (ROAP) • FNS→CACFP Institution (ROAP) • FNS→SFSP Sponsor (ROAP)	yes	no*	≤\$100,000 - no >\$100,000 - yes

SUBGRANT AGREEMENTS

Primary Grantee→Subgrantee

• SA→SFA • SA→CACFP Institution • SA→SFSP Sponsor	no	no	≤\$100,000 - no >\$100,000 - yes
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PROCUREMENT CONTRACTS

Primary Grantee→Contractor

• SA→Contractor	no	<\$100,000 - no ² ≥\$100,000 - yes	≤\$100,000 - no >\$100,000 - yes
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Subgrantee→Contractor

• SFA→Contractor (e.g., FSMC, vendor) • CACFP Institution→ Contractor (e.g., vendor) • SFSP Sponsor→Contractor (e.g., FSMC, vendor)	no	<\$100,000 - no ² ≥\$100,000 - yes	≤\$100,000 - no >\$100,000 - yes
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Contractor→Subcontractor

	no	<\$100,000 - no ² ≥\$100,000 - yes ³	≤\$100,000 - no >\$100,000 - yes
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¹ A State may make a single certification each fiscal year covering all Federal grants to all of its agencies.

² Certifications required for all contracts with A-133 auditors regardless of the amount of the contract.

³ No certification required for procurement contracts between a subcontractor and another party regardless of the amount.